

REMARKS

Claims 1-73 are pending in this application. Claims 1-73 are cancelled without prejudice. New Claims 74-82 have been added.

The Amendments

New Claims 74-82 are supported, for example, by cancelled Claims 50 and 57-64; page 6, lines 10-19; page 6, line 20 to page 7, line 6; page 8, lines 5-12; page 20, lines 4-16; page 20, line 17 to page 28, line 6; page 28, line 9 to 32, line 8; page 32, line 11 to page 34, line 10; page 44, line 15 to page 50, line 9; figures 3, 5, 6, and 10, and accompanying descriptions therein.

No new matter is added in the amendments. The Examiner is respectfully requested to enter the amendments.

The Response

35 U.S.C. § 112 Second Paragraph Rejection

Claims 57-64 and 69 are rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter to which Applicant regards as his invention. This rejection is overcome in view of the amendments.

Claims 57-64 were cancelled and replaced with new Claims 74-82. Claim 74, which corresponds to cancelled Claim 57, has been re-written to include sufficient antecedent basis for the phrase "the sensor assembly" (see Claim 74(a)(ii)). The 35 U.S.C. § 112 rejection should be withdrawn in light of the amendment.

Claim 69 is cancelled without prejudice. Therefore, the rejection to Claim 69 is rendered moot. The 35 U.S.C. § 112 rejection should be withdrawn.

35 USC §103(a) Rejection

Jacobsen and Samarati

Claims 1-13, 15-40, 50-54, 56 and 65-71 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jacobsen, et al. (U.S. Patent No. 6,198,394) in view of Samarati et al. (Encyclopedia of Electrical and Electronics Engineering Online, December 1999). The rejection to the claims is rendered moot in view of the amendments above.

Applicants have cancelled Claims 1-13, 15-40, 50-54, 56 and 65-71 without prejudice. Therefore, the § 103(a) rejection is rendered moot by the cancellation of the claims. The 35 U.S.C. § 103(a) rejection should be withdrawn.

Jacobsen and Samarati, and Further in view of Gowda

Claims 14 and 55 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jacobsen et al., in view of Samarati et al., and further in view of Gowda et al. (U.S. Patent No. 6,459,917). The rejection to the claims is rendered moot in view of the amendments above.

Applicants have cancelled Claims 14 and 55 without prejudice. Therefore, the § 103(a) rejection is rendered moot by the cancellation of the claims. The 35 U.S.C. § 103(a) rejection should be withdrawn.

Jacobsen in view of Samarati and Simonsen

Claims 41-49 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jacobsen et al., in view of Samarati et al., and further in view of Simonsen et al. (U.S. Patent No. 6,540,672). The rejection to the claims is rendered moot in view of the amendments above.

Applicants have cancelled Claims 41-49 without prejudice. Therefore, the § 103(a) rejection is rendered moot by the cancellation of the claims. The 35 U.S.C. § 103(a) rejection should be withdrawn.

Flach in view of Samarati

Claims 50, 51, 56, 65, 66, 72 and 73 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Flach et al. (U.S. Patent No. 6,213,942) in view of Samarati et al. The rejection to the claims is rendered moot in view of the amendments above.

Applicants have cancelled Claims 50, 51, 56, 65, 66, 72 and 73 without prejudice. Therefore, the § 103(a) rejection is rendered moot by the cancellation of the claims. The 35 U.S.C. § 103(a) rejection should be withdrawn.

Applicants note that the limitations of Claim 50 have been included with the limitations of cancelled Claim 57 and subsequent cancelled dependent claims 58-64, to give new Claims 74-81. As suggested by the Examiner, this amendment would result in allowable subject matter.

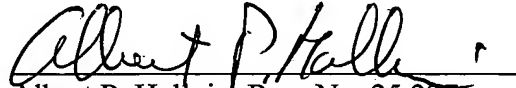
In addition, Applicants have added new Claim 82, which more clearly defines the invention of the instant patent application. New Claim 82 further adds the limitation of a chamber within the biointerface head which releases one or more therapeutic agents. Support for this claim can be found in cancelled claim 52, as well as in the specification on page 8, lines 5-12; and page 26, line 24 to page 28, line 6. Applicants respectfully request that the Examiner enter the amendments.

CONCLUSION

Applicants believe that the application is in good and proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8109.

Respectfully submitted,

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